

REMARKS/ARGUMENTS

In light of the above amendments and the following remarks, reconsideration and withdrawal of the rejections of the application are respectfully requested.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-35 are pending in this application. Claims 1-35 have been rejected in this Office Action.

It is submitted that these claims are patentably distinct from the prior art, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The remarks made herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. THE REJECTIONS UNDER 35 U.S.C. § 102(b) HAVE BEEN OVERCOME

Claims 1, 2, 4, 6-8, 14, 15, 18-20, 22, 24-26, 27, 31, 32 and 35 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U. S. Patent No. 6,294,485 to Hodson (hereinafter, merely “Hodson”).

As understood by the Applicant, Hodson relates to a papermaker’s dryer fabric comprising a base substrate that is coated and impregnated with a resin. The substrate has a substantially impermeable and smooth surface on the paper carrying side of the fabric and reinforcement yarns are incorporated into the fabric belt.

Applicant submits that the reinforcing or load bearing yarns referred to in Hodson are not same as or equivalent to the reinforcement layers in the present invention. The reinforcing yarns used in Hodson, indeed are only mentioned as MD oriented reinforcement of a thermoplastic membrane. These yarns are aligned in the running direction of the belt and may lie on top of, underneath or in the middle (i.e. between the two membrane layers) of the membrane composite. They are applied by means of a bobbin that travels across the belt in an axial direction and are meant to increase the longitudinal strength vector in the running direction of the belt. On the contrary, the reinforcing elements of the instant invention are aligned both in MD and CD as shown in Figures 1 and 2 of the present application. Looking at Figure 4 of Hodson and Figure 1 of the present application, it can be clearly discerned that the two structures are very different. Specifically, the instant invention claims the use of at least one of the layers as a reinforcing layer. Thus, the reinforcing yarns of Hodson are not same as the reinforcing layer of the present invention and therefore the fabric according to the instant invention has increased strength and stability in both longitudinal and transverse directions when compared to that of Hodson.

Applicant further submits that Hodson is a method for forming an essentially impermeable dryer fabric that is coated on the sheet contact side. While Hodson's substrate could be of any structure, including knitted fabrics, Applicant submits that it is not a laminated structure held together by the specific warp netting or stitch bonding technique as taught in the instant invention. The present invention provides for a laminated substrate or base structure whereby the reinforcing or load bearing components of the structure are separated by a layer that prevents resin flow all the way through the structure. This laminated preassembly is held together by warp knitting or stitch bonding, and subsequently stored as rolled flat fabric. While this is a

laminate, the separating layer or scrim is actually fed into a knitting or stitch bonding machine to produce the "laminate."

In paragraph 1 of the Office Action, the Examiner cites col. 4, line 20 of Hodson to teach that the dryer fabric is suitable as a long nip press belt. Applicant respectfully disagrees. Applicant submits that, if the relied upon portion of Hodson is read in its entirety starting at line col. 4, line 11, it is easily discernible the cited paragraph is describing a way to make a “dryer fabric” and not a press belt. Therefore, there is no basis to use Hodson as teaching a long nip press belt. Rather, Hodson is directed towards a dryer fabric and not a press belt, which obviously have different design criteria.

In view of the foregoing, Applicants request the withdrawal of rejections based on Hodson.

In paragraph 2 of the Office Action, claims 1, 2, 4, 6-20, 22 and 24-35 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by EP 0960975 to Davenport et al (hereinafter, merely “Davenport”).

Davenport relates to a process belt comprising a needled substrate, a substrate that can be a laminate of two or more support bases with staple fiber attached, the staple fiber being both the laminating medium and the material attempting to control the depth of resin penetration of any resin coating. Applicant submits that the long nip press belt of Davenport does not teach the use of warp knitted or stitch bonded binder yarns as shown in Fig. 1 of the current application. The instant invention is a laminated substrate or base structure whereby the reinforcing or load bearing components of the structure are separated by a layer that prevents resin flow all the way through the structure. This laminated preassembly is held together by warp knitting or stitch

bonding, and subsequently stored as rolled flat fabric. Applicant submits that Davenport does not teach or disclose this step.

Claims 1, 2, 4, 6-11, 15-20, 22, 24-28 and 32-35 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,718,896 to Davenport (hereinafter, merely “Davenport 1”).

Davenport 1 relates to a flexible fluid containment vessel for transporting and containing a large volume of fluid, particularly fresh water which is fabricated out of a fabric made out of a plurality of separately formed layers which are bound together.

Amended claim 1 recites, *inter alia*:

“A method of forming an industrial fabric comprising the steps of … both sides of the substrate or base structure.”

Applicant submits that Davenport 1 does not teach or disclose the above identified feature of claim 1. Specifically, Davenport 1 does not teach or suggest a method of forming an industrial fabric, as in claim 1. Nor does it provide for an industrial fabric as now claimed in claim 19.

In view of the foregoing, it is believed that independent claims 1 and 19 of the instant invention are patentable over Davenport 1 and a withdrawal of rejection based thereon is requested.

II. THE REJECTIONS UNDER 35 U.S.C. § 103(a) HAVE BEEN OVERCOME

Claims 3, 5, 21 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Davenport 1 in view of U.S. Patent No. 3,998,986 to Williams (“Williams”).

As understood by the Applicant, Williams relates to mechanical goods made of rubber-like material reinforced with a stitch-bonded web fabric. Mechanical rubber goods such as conveyor belts, hose, power transmission belts including V-belts and timing belts, snowmobile tracks, and the like, requiring reinforcement to achieve sufficient strength, rigidity, dimensional stability, and durability.

The instant invention relates to the method of making an industrial fabric for use on, for example, a papermaking machine. Initially, therefore Williams appears to involve non-analogous art. Moreover, however, the present industrial fabric has laminate substrate layers which are held together by stitch bonding, wherein at least one layer is a functional reinforcement layer and one layer is designed to impede resin coating flow through the entire structure from one side to the other.

Such stitch bonding in William is not used to make a laminated structure. Rather each layer of William is individually stitch bonded and the layers are later glued to each other. *Williams* col. 7 and 8. Further in this rejection, the Examiner contends that stitching may result in the formation of loops on the surfaces of the fabrics that are exposed to the impregnating material. Applicant, however, disagrees. There is no teaching in Williams pertaining to the formation of loops. Also, because the substrate of William is a web layer, it is highly likely that the stitching will be depressed somewhat into the web layer. On the contrary, the loops claimed in the claims are specifically intended to loop above the plane of the fabric surface in the intended manner.

In paragraph 5 of the Office Action, claims 1, 6, 7 and 17 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 9, 13 and 14 of Davenport 1.

Davenport 1 relates to a flexible fluid containment vessel for transporting and containing a large volume of fluid, particularly fresh water which is fabricated out of a fabric made out of a plurality of separately formed layers which are bound together.

Amended claim 1 recites, *inter alia*:

“A method of forming an industrial fabric comprising the steps of . . . both sides of the substrate or base structure.”

Applicant submits that Davenport 1 does not teach or suggest a method of forming an industrial fabric, as in claim 1, nor are claims 6, 7 and 17 dependent thereon..

In view of the foregoing, it is believed that the claims of the instant invention are patentable and withdrawal of rejections in view of the remarks herein is requested.

IV. DEPENDENT CLAIMS

The other claims are dependent from independent claim 1 discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In view of the foregoing, Applicant submits that the instant claims should be allowed and that the instant application is now in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference, providing the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


Ronald R. Santucci
Reg. No. 28,988
(212) 588-0800